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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,236	09/03/2003	Kang Soo Seo	46500-000538/US	4847
30/593 7590 10/05/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
CHOI, MICHAEL P				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/653,236

**Applicant(s)**

SEO ET AL.

**Examiner**

MICHAEL CHOI

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/4/09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 8/11/09 have been fully considered but they are not persuasive.

As per page 10, applicant argues that Ando does not disclose or teach "the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information, the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together" of independent claim 1.

In response, Ando does teach the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction). Further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B),

and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B). Therefore, Ando does teach such limitation therewithin the rejection of claim 1 is upheld for reasons aforementioned and listed below.

### ***Claim Objections***

3. Claim 13 is objected to because of the following informalities:

Claim 13 recites "the at least one playlist file" wherein such limitation lacks any antecedent basis in the preceding independent claim 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 are rejected under 35

U.S.C. 102(b) as being anticipated by Ando et al. (US 2001/0046371 A1).

**Regarding Claim 1**, Ando et al. (hereinafter Ando) teach a computer readable medium having a data structure for managing reproduction of a slideshow of at least one still image (Fig. 1), comprising:

- a data storing area storing first and second stream files (Fig. 3, Data Area 112), the first stream file including video data for reproducing at least one still image (Fig. 3, VR\_Movie

and AR\_Still picture recording areas), the second stream file including at least audio data (Fig. 3, AR\_Audio Object recording area);

- a playlist area storing a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)).

**Regarding Claim 2,** Ando teaches the computer readable medium of claim 1, wherein the link information links the at least one still image and the audio data (in at least Figs. 7, 8, 10-13 – link with original track) such that presentation of the at least one still image is synchronized with reproduction of the audio data (Figs. 7-10 – audio tracks associated with a still picture for playback synchronization; Figs. 6A,B).

**Regarding Claim 4**, Ando teaches the computer readable medium of claim 1, wherein the at least one playitem includes duration information indicating a duration to display each still image (Figs. 6A, 6B) during reproduction of the slideshow (Fig. 43 – duration as further clarified in Figs. 6A – time chart points; 7-10, 12, 28A,B and 43-48).

**Regarding Claim 13**, Ando teaches the computer readable medium of claim 1, wherein the at least one playlist file includes mark information, the mark information includes a mark pointing to a still image (in at least Fig. 10 – still picture entry point).

**Regarding Claim 15**, Ando teaches a method of reproducing a slideshow at least one still image, comprising:

- reproducing (Figs. 1; 6A,B; 7 – reproduction of disc) first and second stream files, the first stream file including video data for reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including audio data (Fig. 3, AR\_Audio Object recording area);
- reproducing a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together (Figs. 10-12 – linking still

picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)).

**Regarding Claim 16**, Ando teaches an apparatus for reproducing a slideshow at least one image, comprising:

- a pick up device configured to reproduce data recorded on a recording medium (Fig. 14 – disc drive, 409);
- a controller configured to control pick up to reproduce (Figs. 1; 6A,B; 7 – reproduction of disc) first and second stream files, the first stream file including video data for reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including audio data (Fig. 3, AR\_Audio Object recording area), and configured to control the pick up to reproduce a playlist file, the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and

the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)).

**Regarding Claim 17**, Ando teaches a method of recording a data structure for managing reproduction of a slideshow of at least one still image (Figs. 1; 6A,B), comprising:

- recording (Abstract) first and second stream files in a data area (Fig. 3, Data Area 112), the first stream file including video data for reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including audio data (Fig. 3, AR\_Audio Object recording area); and
- recording a playlist file (Page 11, Paragraphs [0214+]; Fig. 1 – audio/video recording area, 121, containing program chains), the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further



clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)).

**Regarding Claim 18**, Ando teaches an apparatus for recording a data structure for managing reproduction of a slideshow of at least one still image recorded on a recording medium, comprising (Figs. 1; 6A,B):

- pick up configured to record data on the recording medium (Fig. 14 – disc drive, 409);
- a controller configured to control pick up to record (Abstract) first and second stream files, the first stream file including video data for reproducing at least one still image (Fig. 3, VR\_Movie and AR\_Still picture recording areas), the second stream file including audio data (Fig. 3, AR\_Audio Object recording area); and
- configured to control pick up to record a playlist file (Page 11, Paragraphs [0214+]; Fig. 1 – audio/video recording area, 121, containing program chains) the playlist file including at least one playitem and at least one sub-playitem (Figs. 7-10, 12, 28A,B and 43-48 – PGC or UDPGC having still picture and audio entry points), the at least one playitem indicating an in-point and out-point of the first stream file for reproducing the at least one still image (Figs. 7-10, 12, 28A,B – still picture entry points), the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information (Figs. 28A,B, 43-48 – audio entry points with linking), the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are

played together (Figs. 10-12 – linking still picture and audio entry points with audio data for reproduction; further clarified in that, as seen in Fig. 6B, a user creates a playlist by desirably editing new tracks (Paragraph [0179-0182]) synchronized with cell information of audio, each having associated audio entry points (Figs. 7 and 8, Fig. 28B), and still pictures, wherein such association between still picture entry points and audio entry points confirms link with playback of playlist (Fig. 6B)).

**Claims 20, 23, 31, 34** are rejected under the same grounds as claim 2.

**Claims 21, 25, 32, 36** are rejected under the same grounds as claim 4.

**Claims 22, 29, 33, 40** are rejected under the same grounds as claim 13.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato et al. (US 7,477,833 B2) – An information processing apparatus and method having real and virtual playlists with associative main and sub-paths respectively describing in and out-points.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL CHOI whose telephone number is (571) 272-9594. The examiner can normally be reached on M-F (9am - 5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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